



The Honorable Rob Bonta
California State Capitol, Room 2148
Sacramento, CA 95814

Re: Letter of Support – AB 1479

Dear Assembly Member Bonta:

I write on behalf of Oakland Privacy to express our support for AB 1479, and to request its passage to the floor of the Assembly. It is an important and necessary bill that will improve the operations of government throughout California.

Oakland Privacy is a citizen's coalition that works regionally to defend the right to privacy and enhance public transparency and oversight regarding the use of surveillance techniques and equipment. We were instrumental in the creation of the first standing municipal citizens' privacy advisory commission in the City of Oakland, and we have engaged in successful privacy enhancing legislative efforts with the Counties of Alameda and Santa Clara, and the cities of Oakland, Berkeley, and Palo Alto.

AB 1479 enhances the California Public Records Act ("CPRA"), a long-established piece of legislation that guarantees timely access to public records. CPRA requests are made regularly by a wide variety of community groups, journalists, nonprofit organizations, advocates and ordinary citizens to gain information on government actions vital to their communities and to engage with elected officials about future actions. It is also routinely violated, due to the lack of penalties for such violations.

Without access to public records, it is problematic to hold public officials accountable. Recent scandals in our state, such as the embezzled funds and exorbitant salaries city managers received in the City of Bell, and a newly discovered University of California slush fund, evidence the need for transparency into how government agents conduct the people's business.¹

Oakland Privacy came together in 2013 as a response by the people of Oakland to the planned implementation of a citywide surveillance system called the Domain Awareness Center ("DAC"). Unknown to residents, the DAC had been under development by the City of Oakland since 2008. Numerous public record requests were filed by our citizen coalition and local journalism outlets to uncover the scope of the project and inform the public about the potential impact to our civil liberties.²

¹ <http://www.bbc.com/news/world-us-canada-10798426>; <http://www.mercurynews.com/2017/04/30/scathing-audit-tests-uc-president-janet-napolitanos-political-skills/>

² <http://www.eastbayexpress.com/oakland/the-real-purpose-of-oaklands-surveillance-center/Content?oid=3789230>; and <http://www.eastbayexpress.com/oakland/controversial-the-hidden-costs-of-oaklands-surveillance-center/Content?oid=3816398>

After the DAC was widely publicized and criticized, Oakland's elected officials were forced to dramatically scale down the project. Public record requests filed by Sacramento news channel ABC 10 revealed that Oakland's police department possessed cellphone tracking equipment (Stingrays) ten years earlier, and that the City Council had never voted to approve the controversial equipment acquisition or use.³

As chair of Oakland's Privacy Commission, I submit public records requests to conduct my own "after-the-facts" investigations, and to ensure that our policies governing surveillance equipment are being adhered to. The average response time to my requests is **sixty (60) weeks**. Some of my requests have received no response at all, demonstrating that CPRA reform is needed and that a stronger disincentive to misconduct than simply awarding attorney's fees is called for. AB1479 will address this concern.

Versions of this story are repeated in municipalities all over California. Delays, refusals, and runarounds on legitimate public records requests are not only violations of existing law, but by interfering with the transparency and accountability required for good governance and impeding the democratic process, such tactics may actually impose significant future costs and liabilities upon public agencies when they conceal actions that may be illegal, unwarranted, inadvisable or contrary to the will of the majority of the residents they serve.

The provisions of attorney fees and court costs to prevailing parties has long been recognized as a social justice tenet that assures redress for legitimate grievances in court is not restricted to only those with significant financial resources. With regard to public records requests, access to information in the public domain must be available on an equitable basis to all.

We request passage of this bill that will protect the right of California residents to know what their public agencies and government representatives are doing, to engage fully in the civic process, and ensure transparency into government actions and use of public funds.

Sincerely,



Member, Oakland Privacy

cc: Alma Barreras, Assembly Fellow; California State Assembly, Committee on Appropriations

³ <http://www.abc10.com/news/investigations/watchdog/9-calif-law-enforcement-agencies-connected-to-cellphone-spying-technology/277656425>